

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES C. HILL,)
)
Plaintiff,)
v.) C.A. No. 05-cv-00452-JJF
)
SUPER FRESH FOOD MARKETS, INC.,)
)
Defendant.)

**EXHIBIT A TO
DEFENDANT'S MEMORANDUM OF LAW IN OPPOSITION TO
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

William W. Bowser, Esquire (Bar I.D. 2239)
Margaret M. DiBianca, Esquire (Bar I.D. 4539)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19801
Telephone: (302) 571-6601, 5008
Facsimile : (302) 576-3282, 3476
wbowser@ycst.com; mdibianca@ycst.com

OF COUNSEL

John P. Barry, Esquire
Greta Ravitsky, Esquire
Epstein Becker & Green, P.C.
250 Park Avenue
New York, NY 10177
Telephone: (212) 351-3720
Facsimile: (212) 878-8720
jbarry@ebglaw.com; gravitsky@ebglaw.com
Attorneys for Defendant Super Fresh Markets, Inc.

DATED: January 17, 2006

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW
250 PARK AVENUE
NEW YORK, NEW YORK 10177-1211
212.351.4500
FAX: 212.661.0989
EBGLAW.COM

JOHN P. BARRY
TEL: 212.351.3720
FAX: 212.878.8720
JBARRY@EBGLAW.COM

January 9, 2006

VIA REGULAR AND CERTIFIED MAIL/RRR

Mr. James C. Hill
3 Mackenzie Drive
Newark, DE 19711-1505

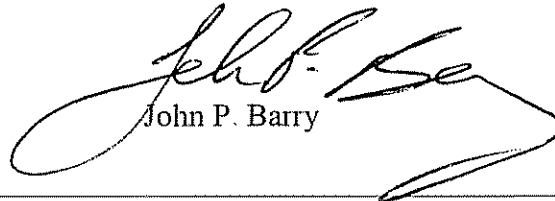
Re: James C. Hill v. Superfresh Food Markets, Inc.
Civil Action No. 05-CV-00452-IJF

Dear Mr. Hill:

I am in receipt of your Motion For Default, which alleges that Defendant failed to answer the Complaint. Please be advised that your motion is procedurally defective and, as such, you have an obligation to withdraw it. Specifically, on December 12, 2005, Defendant filed a Motion to Dismiss the Complaint in lieu of filing an Answer. Pursuant to Fed. R. Civ. P. 12, this satisfied Defendant's obligation to file a pleading responsive to the Complaint.

While I am aware that you are proceeding without a lawyer, this does not excuse you from complying with, among other things, the Federal Rules of Civil Procedure. Accordingly, please withdraw your motion or Defendant will seek sanctions for opposing this baseless motion.

Very truly yours,


John P. Barry

JPB:ak

Mr. James C. Hill
January 9, 2006
Page 2

Bcc: Sheryl R. Martin, Esq.
Greta Ravitsky, Esq.
Margaret M. DiBianca, Esq. ✓